

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 13th day of April 2009 A.D. at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Donald Bollin-President	Jay Lambert
	JoAnne Arruda-Vice President- Absent	Cecil E. Leonard
	Hannibal Costa- Absent	Edward Roderick
	Louise Durfee	

Town Administrator, James C. Goncalo-Absent
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President Bollin at this time read all the items on the Consent Agenda for approval.

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the Consent Agenda. Motion passed unanimously.

At this time Representative Jay Edwards distributed copies of the Rhode Island Government Owner's Manual to the Council members.

CONSENT AGENDA

A-1 Approval of Minutes of Previous Meetings.

- a. Approval of Minutes from March 23, 2009 Regular Council Meeting Councilor Arruda not present
- b. Approval of Executive Session Minutes from March 23, 2009 Council Meeting Councilor Arruda not present

A-2-Receipt of Minutes from Various Board and Commissions:

- a. Open Space Commission
- b. Economic Development (2)
- c. Wastewater Management
- d. Board of Canvassers (4)
- e. Personnel Board

A-3-Correspondence- Receive and File

- a. Received From State Representative John G. Edwards Regarding Supporting Resolution to Name of New Sakonnet River Bridge
- b. Received From Armenian National Committee of RI Regarding Raising Armenian Flag on April 24th
- c. Received From Town of Burrillville Regarding Opposition to House Bill H5679 Appointment of Municipal Officers
- d. Received From Stone Bridge Fire District Regarding Donation of Land Near North Brayton Road to Tiverton Recreation Commission For Development of Soccer Complex

A-4. Walk 'n Mass Volkssport Club - Permission to Conduct Walk in Town on May 2, 2009 From 9 to 3 o'clock and Recommendation of Police Chief

A-5. Jane Bitto, Singing Out Against Hunger Requests Public Hearing on June 8th on Sound Variance for Outdoor Musical Fundraiser on September 18, 19 and 20th

A-6. Lisa Machado, Coastal Roasters - Requests Public Hearing on June 8th on Sound Variance for Outdoor Musical Fundraiser on September 18, 19 and 20th

A-7. Edmund D'Attelo, Jr., 131 Barnswallow Road - Distribution of Request for Appointment to Economic Development Commission

A-8. Distribution of Treasurer's Monthly Budget and Revenue Reports for March

BUSINESS BROUGHT BEFORE THE COUNCIL

FINANCIAL BUSINESS:

Town Administrator/Chief Lloyd – Request Transfer of Funds \$6,000 from Acct#331-101 (Firefighter Salary) to Acct#331-102 (Overtime)

Councilor Durfee made a motion, seconded by Councilor Roderick that the transfer of funds be made for \$6,000 from Account #331-101 (Firefighter Salary) to Account #331-102 (Overtime). Motion passed unanimously.

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

Susan Faria, Susan's, Inc., 13 Crandall Road – Requests Approval of Victualling License – Subject to Meeting All Legal Requirements

Councilor Leonard made a motion, seconded by Councilor Durfee to approve a Victualling License for Susan Faria, Susan's, Inc., 13 Crandall Road, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS

Annelisa Steinkrauss - Resignation from Economic Development Commission

Councilor Leonard made a motion, seconded by Councilor Roderick to accept the resignation of Annelisa Steinkrauss from the Economic Development Commission with thanks and regret. Motion passed unanimously.

Bruce H. Cox, 35 Sunset View Drive –Request Appointment to Harbor Commission Filling Vacancy to Expire on 6/30/2010

Council interviewed Bruce H. Cox regarding his request for appointment to the Harbor Commission. Has been involved with boating all his life, read the relevant sections of Charter regarding the Harbor Commission.

Councilor Roderick made a motion, seconded by Councilor Lambert to appoint Bruce H. Cox, 35 Sunset View Drive to the Harbor Commission for a term expiring 6/30/2010. Motion passed unanimously.

Appointment of Moderator for Financial Town Meeting, May 9th

Councilor Leonard questioned procedure as the Council had just received the request prior to the meeting. Councilor Durfee suggested a holding a brief special meeting for purpose of appointing.

Councilor Leonard made a motion, seconded by Councilor Roderick to continue to the next standard or Special Council Meeting whichever comes first. Motion passed unanimously.

UNFINISHED BUSINESS

Councilor Leonard–Vote to Establish Major Council Goals as Discussed at Workshop on March 30th

Councilor Leonard noted not all the Council was in attendance should be carried over to next meeting.

Councilor Leonard made a motion, seconded by Councilor Durfee to continue the Vote to Establish Major Council Goals to the next Council Meeting on April 27th. Motion passed unanimously.

Councilor Leonard – Follow Up to Workshop Discussion of Town Web Site and Direct Town Solicitor to Develop a Set of Rules/guidelines for Use of Site Including Accommodation of Access by All Elected Municipal Officials/Committees

Councilor Leonard made a motion, seconded by Councilor Durfee to direct Solicitor Teitz to develop guidelines for use of the Town's website. Councilor Roderick noted the Solicitor should be working with the Town Administrator in setting the guidelines. Motion passed unanimously.

PUBLIC HEARINGS- ADVERTISED

Steve Ostiguy, Church Community Housing – Second Public Hearing - Community Development Block Grant Program

The Second Public Hearing was duly advertised in the Sakonnet Times on April 2,2009.

Steve Ostiguy from Church Community Housing appeared before the Council on requests for funding from the Community Development Block Grant Program. The second Public Hearing was to receive input from residents in regard to the Block Grant application going forward to the State. The Council may choose to take action and change the priority listing after the Public Hearing.

President Bollin opened the Public Hearing for comments from the general public.

Steve Ostiguy recommended to the Council changing the priority of the advertised requests. Suggested moving numbers 3,4 and 8 to the bottom of the list and item number 12 up to the number 3 slot. The total of the requests is \$250,000. The Housing activities fall outside the cap. Susan Skank from East Bay Community Action asked for support from the Council for health and dental programs for the uninsured and under insured. Approximately 200 Tiverton residents use these services. Resident Peter Moniz asked the Council for more funding for the improvement of sewer lines in No. Tiverton. Did not think \$105,000 was enough. Should not consider number 4, request for Sandywoods Farm Arts and Agriculture Affordable Housing development, self interest directed to that particular group which is already getting public money. More money should be directed to number 12, revitalizing areas of No. Tiverton. More should also be done for recreation areas. The Women's Resource Center also asked the Council to consider the \$5,000 request to provide services to victims of domestic violence. Janice Gomes, Tiverton Senior Center Director asked the Council for consideration pertaining to roof on Senior Center.

Being no further comments from the public, President Bollin closed the public portion of the Public Hearing.

Councilor Durfee suggested moving some of the money from number 4, Sandywoods Farm to No. Tiverton revitalization. Steve Ostiguy noted that a business would get \$5,000 each, could help 5 businesses. Better to ask for more.

Councilor Durfee made a motion, seconded by Councilor Leonard to increase the funding by \$10,000 for number 12, revitalization of areas of No. Tiverton to \$40,000. Councilor Bollin noted the Sandywoods Farm request should be reduced. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Roderick to adjust the amount of number 4, Sandywoods Farm from \$75,000 to \$65,000. Motion passed unanimously.

Councilor Durfee made a motion, seconded by Councilor Leonard to change the order of the items and move number 3 and 4 to the bottom of the list. Number 12 moves up to the number 3 slot and everything else moves up one place. Councilor Roderick clarified number 8 becomes number 12. Motion passed unanimously.

The application was as follows:

**TOWN OF TIVERTON
PUBLIC HEARING
2009 COMMUNITY DEVELOPMENT BLOCK GRANT**

- 1) Public Facilities: Provide funding for repairs to the gutters, fascia, and soffits and replacement of handicap ramp, landing and entrance stairs at the Tiverton Senior Center.
Amount: \$25,000
- 2) Public Facilities: Provide improvements for streets, sidewalks, stairs, pathways and extension of sewer lines in the area bounded by State Street, Fish Road, Hooper Street and Main Road.
Amount: 105,000
- 3) Economic Development: Provide funds to develop a neighborhood streetscape and commercial façade revitalization plan for the area bounded by State Street, Fish Road, Hooper Street, and Main Road.
Amount: \$40,000
- 4) Public Facilities: Provide funding for East Bay Community Action to support family health and dental services that are provided by EBCAP to low income, uninsured and underinsured residents of Newport County.
Amount \$5,000
- 5) Public Services: Support for the Women’s Resource Center of Newport and Bristol Counties to provide counseling and advocacy services to victims of domestic violence.
Amount: \$5,000
- 6) Public Services: Support for the Housing Hotline of Newport County to provide housing counseling and referral services.
Amount: \$2,000
- 7) Housing Operating: Provide operating support to the Community Housing Land Trust of RI for technical assistance, training and monitoring of affordable housing units.
Amount: \$3,000
- 8) Housing Rehab: Provide support to the Dadson Estates mobile home park for work associated with the installation of a new community septic system.
Amount: \$40,000
- 9) Housing Rehab: Provide support to the Four Seasons mobile home park for replacement of old and failing water lines.
Amount \$25,000
- 10) Acquisition: Provide funding to Church Community Housing Corp. for the acquisition of residential property to create housing opportunities for low and moderate-income families as proposed in the Tiverton Affordable Housing Plan.
Amount: \$100,000
- 11) Economic Development: Provide funds for construction of commercial buildings to create employment opportunities at the Sandywoods Farm Arts and Agriculture Affordable Housing development.
Amount: \$65,000
- 12) CCHC Operating Cost- Regional Revolving Loan Fund, Homeowner Assistance, RI Housing Home Repair programs, commercial rehab, foreclosure prevention, neighborhood revitalization and planning.
Amount: \$30,000
- 13) Town Administration: Amount: \$10,000

Vote on Resolution to Submit the Application Following Public Hearing

A Resolution adopted by the Council of the Town of Tiverton at a meeting held on April 13, 2009.

WHEREAS; funds are available under the Rhode Island Community Development Block Grant Program, administered by the Department of Administration, Division of Planning, Office of Housing and Community Development; and,

WHEREAS, the Governor of the State of Rhode Island has authorized the Director of said department to disburse such funds; and,

WHEREAS, it is in the interest of the citizens of the Town of Tiverton that application be made to undertake a local Community Development Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIVERTON:

That the filing of this application for the amount of \$455,000 to implement the activities proposed herein hereby authorized and that James Goncalo (Chief Executive Officer) is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the Representative of the Town of Tiverton in all matters relating to this application and any award which may be based upon this application.

Councilor Durfee made a motion, seconded by Councilor Roderick the Resolution as presented be adopted. Motion passed unanimously.

NEW BUSINESS:

Tiverton Planning Board Requests Joint Council/Planning Board Workshop for Comprehensive Community Plan Update Amendments and Additions

Christopher Spencer, Town Planner requested a joint Council/Planning Board workshop for the Comprehensive Community Plan, (Comp. Plan), update amendments and additions. Consensus from the Planning Board was to accept the changes. The Planning Board took no action, it was just a workshop. Solicitor Teitz noted a Public Hearing was a statewide requirement for changes to the Comp. Plan, same as ordinance amendment, needs a twenty-one day notice. Councilor Durfee wanted a joint workshop and discussion with the Planning Board first. Assistant Solicitor Scott would be attending the April 27th Council Meeting.

Councilor Durfee made a motion, seconded by Councilor Leonard to have on May 4, 2009 a joint workshop with the Planning Board to discuss the Comp. Plan and Zoning. Motion passed unanimously.

Town Administrator –Landfill/Recycling Subcommittee Recommendations For Extending Life of Landfill

Steve Berlucchi, Director of Public Works (DPW) and Steve Rys, Chair of the Landfill/Recycling Committee appeared before the Council to discuss at length two issues. 1) The State will be mandating a recycling rate of 35% in 2012. The rate currently for the Town is 19-20%. The Town must increase the recycling rate by 15% in the next three years. 2) Volume at the Landfill keeps increasing while other Towns are trending down. According to the annual report, the Town is up 9% in the volume of rubbish at the landfill. Looking at the long-term life of the landfill before it reaches capacity in 2015.

Main issue cost of pickup keeps increasing, tied into the Consumer Price Index (CPI) at 4%. Even if \$168,000 put aside for the next six years, will still be short of the goal estimated to close the landfill, \$6.2 million. Based on what other Towns are doing had two recommendations. Each resident would be

required to put out both a green and blue recycle bin with the weekly rubbish collection or the rubbish would not be picked up and charge \$2.00 per 32 gallon barrel.

President Bollin noted other areas for extending the life of the landfill need to be addressed including working with DEM on increasing the height requirement and other avenues. Have to look at alternatives; don't want to take \$100 out of resident's pockets, not a time when people can absorb these costs. Councilor Lambert also not in favor of additional fee. Several Councilors agreed a better education program was needed. From a dollar standpoint, increasing the recycling rate makes more sense. Councilor Leonard noted it is a complicated public health issue with illegal dumping; however, need to explore.

Dick Hart, resident, noted currently costs \$800,000 to collect waste, 1.92% of taxes toward waste disposal. Two dollars per barrel may end up being cheaper, will increase recycling. Councilor Durfee, while not in agreement with the fee, is a proponent. As a concept vote, should ask Solicitor Teitz to draft a proposal ordinance if the Council is interested. Councilor Bollin noted two years ago had discussed this topic. Not a proponent to charge for something the Town taxes for. Need to look at the economics.

Councilor Durfee suggested having the Solicitor draft a proposed ordinance. Councilor Bollin, since not all Councilors were present, suggested continuing this matter. Councilor Leonard made a motion, seconded by Councilor Roderick to continue to discuss this at the meeting on May 4th. Motion passed unanimously.

Town Clerk – Request Approval to Enter Contract with ACS, Government Management Records to Digitize Current Mylar Maps and Old Maps

a. Letters of Support From Planning and Assessor

Councilor Durfee made a motion, seconded by Councilor Leonard to approve to enter a contract with ACS to digitize current Mylar maps and old maps. Motion passed unanimously.

Town Clerk Nancy Mello noted for the Council this is an ongoing project; other communities have done this with good results. Has support from Planning and the Assessor.

Town Clerk – Discussion Regarding Financial Town Meeting

a. Request by Budget Committee to have Council Request Voting Machines for Financial Town Meeting

b. Request to Encumber \$4,000 of Council Contingency Funds Acct # 102-890 for Possible FTM Expenses

Town Clerk, Nancy Mello provided estimates of costs to day for the FTM. Problems logistically with the setup, need a feed for the auditorium, in case that room is needed, expenses doubled. Treehouse Productions, used in the past for audio and video services provided estimates. Requested permission to encumber \$4,000 from Council Contingency account, will utilize other accounts first. President Bollin objected using Council contingency funds; Administrator should determine where the money comes from. Clerk Mello noted Town Administrator was aware of request for use the contingency.

Councilor Durfee made a motion to encumber \$4,000. Councilor Leonard noted the first item addressed should be the letter from the Budget Committee regarding request for Council or the moderator to seek use of voting machines for FTM.

Councilor Durfee made a motion, seconded by Councilor Lambert to encumber \$4,000 from Council contingency for use of FTM expense and have Town Administrator look at other accounts. Also, \$20,000 be restored to Council contingency previously set aside by Administrator for State aid shortfall. Motion passed on a vote of 3-2, Councilors Roderick and Bollin opposed.

Councilor Leonard made a motion, seconded by Councilor Roderick to provide for voting machines at the Financial Town Meeting with respect to the Budget Committee letter dated April 2009. Motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS

Town Administrator – Request Approval to Advertise for Repair of the Senior Center Roof with Funding Award by CDBG

Councilor Leonard made a motion, seconded by Councilor Roderick to approve the request to advertise for repair of the Senior Center roof contingent upon funding with funding award. Motion passed unanimously.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

The Council received a letter from the Administrator with regards to the Tax Collector candidates. Councilor Durfee noted there is a policy for interviews that should be followed which included the Council meeting the candidates.

Councilor Durfee made a motion, seconded by Councilor Leonard who stated he vigorously agreed to follow the policy that allows Council members to meet job applicant candidates. Motion passed unanimously.

Councilors Roderick and Lambert – Updating F/Y 2009/10 Budget

Councilor Lambert will submit an agenda item for next meeting regarding the taxpayer petition for a Ladder Truck. Thinks there is another issue under Section 203 of the Charter requiring approval by voters at referendum. Asked Solicitor Teitz if the petition is valid Questions if the Petition has merit. The second issue is whether this petition meets the requirements under section 203 or 303. Councilor Lambert's position is the petition does not accurately state the expenditures – where will it be stored, expense to man the equipment, is not included in the petition. Should have an opinion from the Solicitor whether this is legal. Town Clerk noted for the Council she had just received a Charter violation complaint from Mr. Rego regarding petition on docket for FTM. President Bollin pointed out it's not a violation to file a petition. Should continue discussion at workshop with planning board.

Councilor Roderick made a motion, seconded by Councilor Durfee to change the May 4,2009 workshop to a Special Meeting and workshop. Motion passed unanimously

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Discussion of Council Meeting of May 11th Agenda

Solicitor Teitz, won't be attending the April 27,09 Council Meeting but will be here on May 11th noted there should be a discussion of the Financial Town Meeting. Will draft broad language for the April 27 Council Meeting regarding the ladder truck petition. Suggested the May 4th workshop with the Planning Board also be a Special Meeting and possible Executive Session for Litigation.

CLOSED EXECUTIVE SESSION

Town Solicitor - Litigation – 42-46-5(a) (2)

The Council did not enter into Executive Session.

ADJOURNMENT:

Being no further business, Councilor Durfee made a motion to adjourn, seconded by Councilor Roderick. Motion passed unanimously.

Council adjourned at approximately 9:00 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk